

IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF TEXAS
PD-0894-18

FILED
COURT OF CRIMINAL APPEALS
4/2/2019
DEANA WILLIAMSON, CLERK

VITH LOCH

§

§

VS.

§

§

§

THE STATE OF TEXAS

§

On Petition for Review of
No. 01-16-00438-CR
Court of Appeals
First District of Texas

APPELLANT'S MOTION TO EXTEND TIME
IN THE INTEREST OF JUSTICE

Appellant Vith Loch moves the Court to grant an extension of time to file his brief on the merits. The motion has been filed today, April 1, 2019.

TEX. R. APP. P. 10.5(b)(3) statement:

- (A) Deadline for filing: March 27, 2019
- (B) Length of extension sought: 5 days
- (C) Due to a calendaring error by counsel for the original brief deadline, Appellant's brief in this case is seriously past due. The Court has granted three extensions of time—one for 30 days, and one for 15 days, and one for 5 days—to file the brief. Since the last extension, counsel has worked an extraordinary number of hours, including until after 3 a.m. today, April 1, 2019, to complete the brief. For reasons counsel cannot explain, the brief took far, far longer to complete than she ever anticipated. In the interest of justice, counsel respectfully requests on her client's behalf that the Court grant this motion, which was delayed through no fault of Mr. Loch.

(D) Number of previous extensions: 3

Tex. R. App. P. 10.5(b)(3) statement:

(A) Court of appeals: First Court of Appeals (Houston)

(B) Date of court of appeals judgment: July 31, 2018

(C) Case number and style: Cause No. 01-16-00438-CR, *Vith Loch v. State*

(D) Motions for rehearing or en banc reconsideration: None.

PRAYER

Appellant respectfully requests that the motion be granted and that the Court permit an extension of time until April 1, 2019 for counsel to file Appellant's brief.

Respectfully submitted,

ALEXANDER BUNIN
Chief Public Defender
Harris County Texas

/s/ Cheri Duncan

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CERTIFICATE OF SERVICE

I certify that a copy of Appellant's Second Motion to Extend Time to File Brief was served electronically on the Appellate Division of the Harris County District Attorney's Office and the State Prosecuting Attorney on April 1, 2019.

/s/ Cheri Duncan

CHERI DUNCAN